

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DENNIS BURTON UNDERWOOD,

No. 2:16-cv-01321-PK

Plaintiff,

ORDER

v.

MARK NOOTH, et al.,

Defendants.

HERNÁNDEZ, District Judge,

Pro se Plaintiff Dennis Burton Underwood, an inmate at the Snake River Correctional Institution, brings this civil rights action pursuant to 42 U.S.C. § 1983. On September 28, 2017, December 7, 2017, and December 11, 2017, Magistrate Judge Paul Papak issued non-dispositive orders denying Plaintiff's Motion to Compel [74], Plaintiff's Motions for Appointment of Counsel and Extension of Time [93], and Plaintiff's Motion for Leave to File an Amended Complaint [95]. On February 20, 2018, Plaintiff filed objections to the Orders [106]. The matter

is now before the Court pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), “[w]hen a pretrial matter not dispositive of a party’s claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision.” Fed. R. Civ. P. 72(a). The standard of review for an order with objections is “clearly erroneous” or “contrary to law.” 28 U.S.C. § 636(b)(1)(A) (applying the “clearly erroneous or contrary to law” standard of review for non-dispositive motions). If a ruling on a motion is not determinative of “a party’s claim or defense,” it is not dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).


The Court has carefully considered Plaintiff's objections and concludes they do not provide a basis to modify the Magistrate Judge’s Orders.

CONCLUSION

The Court AFFIRMS Magistrate Judge Papak’s Orders [74, 93, & 95].

IT IS SO ORDERED.

DATED this 10 day of April, 2018.


MARCO A. HERNÁNDEZ
United States District Judge